

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

CHUCK NOTBOHM

KEN WEBER

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
December 19, 2006**

**Present:** Commissioners Lythgoe, Notbohm and Weber; Harold Stepper and Mike Hoffman, County Planners; Joe Carter, Road Supervisor; Matt Johnson, County Attorney; Marga Lincoln, *Helena Independent Record*; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Celia Wolny, Michele LeTexier, Sabrina Steketee, Bob Klein, Alan Fauhl, Dave Hanks, Neil Self, Joe Peterson, Debra Sattler, Don Harris, William and Lucille O'Leary, Kenda Erickson, Geof Ferguson, Nathan and Angela Haddick, Dennis Lay, Ryan Lay, JeNae Lay, Ross Wilkins, Bruce Suenram, Barbara Burkland

**MINUTES**

Commissioner Notbohm moved to adopt the minutes of November 21. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to adopt the minutes of December 5. Commissioner Notbohm seconded. The motion carried.

**REPORTS**

Receipt of November cash report from Treasurer.

**CALENDAR REVIEW**

12/20 JLDC - 2:00

12/21 County Christmas luncheon - noon

**COMMISSION REPORTS**

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### FAIR BOARD

Commissioner Notbohm reported that the Fair Board met on the 12<sup>th</sup>. They discussed plans to continue the renovation of one of the buildings on the grounds.

### ZONING COMMISSION

Commissioner Lythgoe reported that the zoning commission held a special meeting to discuss and decide on whether to recommend that the Commission adopt a resolution putting a moratorium on annexation.

### ANNEXATION ISSUES

Commissioner Lythgoe reported that he attended the Montana City School Board meeting. They requested that he attend and discuss the impacts of annexation. The board is very concerned with how a zoning change could affect the school. Commissioner Notbohm stated that he gave Harold something he received from the Museum Board. Apparently Helena has tried this before, back in 1915.

### LIBRARY BOARD

Commissioner Weber reported that the Library Board is working on a position description for the Chief Librarian. The State Library has given the board until the end of February to deal with this.

### SOLID WASTE BOARD

Commissioner Weber reported that the Solid Waste Board meet to discuss the combined Road/Solid Waste Supervisor position. They are going to give it six months. They also discussed the need for an administrative assistant for the Solid Waste Department. They will be advertising the position at 30 hours-per-week.

### CORRESPONDENCE

~ Commissioner Weber presented letters to the "Paint the State" project participants. The Commission is awarding each of the participants that did not win an award \$100. The Commissioners signed the letters, which will be sent along with a check.

~ Commissioner Lythgoe stated that an annual Use Permit for the Deerlodge Snowmobile Club was received for signature. Commissioner Lythgoe moved to sign the agreement. Commissioner Notbohm seconded. The motion carried.

~Commissioner Lythgoe stated that the Commission received a letter from MDT regarding millings. Commissioner Notbohm stated that Joe Walsh with MDT contacted him regarding the highway project they will be doing in the Boulder area. The county will be getting nine to ten thousand yards of millings. Commissioner Notbohm stated that he signed the agreement and sent it back to MDT.

~Commissioner Lythgoe stated that the Commission also received a lease agreement with the Helena Snowdrifters for access on Basin Creek Road. Commissioner Weber moved to sign the

agreement. Commissioner Notbohm seconded. The motion carried.

## **SUBDIVISION REVIEW**

### **PRELIMINARY PLAT APPROVAL - MEADOWLARK MAJOR SUBDIVISION**

Mike Hoffman, County Planner, presented his staff report. He stated that this is a 107.77 acre parcel which is proposed to be split into 47 lots ranging from 1.75 to 3.11 acres. Lots will have individual wells and septic systems and 5.42 acres will be dedicated for parkland. Soil samples will be required to be sent to the Butte School of Mines, to be tested for the presence of heavy metals, specifically lead and arsenic. These results will be submitted to Jefferson County prior to final plat approval.

The developer has contacted the Jefferson City Rural Fire District's chief, and has proposed a cash-in-lieu of donation to the district. However, due to the fire risk analysis of the subdivision conducted for the fire district, the developer will be required to provide a firefighting water supply system. The developer has agreed to two alternatives to the cash-in-lieu offer of fire protection. The primary alternative calls for an off-site hydrant and pump capable of delivering a minimum of 500 gallons per minute at 20 pounds per square inch, situated on the tract of land located approximately one quarter mile from the proposed subdivision, on Wickes Road. Spring Creek will provide the source of water to the hydrant, and the pump will have a backup power supply. A licensed engineer must certify that there's enough in-stream flow to provide a minimum 500 gallons per minute at all times of the year. The certification and all preliminary designs must be submitted to Jefferson County prior to any construction or installation of facilities. Access to the site is directly off of Wickes Road, and the developer will be required to work with the Jefferson County Road Department for the installation and permitting of the approach or approaches. The developer will be required to obtain a 310 permit from the Soil Conservation District, and provide letters to Jefferson County from Montana Tunnels, the Department of Environmental Quality, Department of Natural Resources and Conservation, and Fish, Wildlife and Parks Department, stating that the proposed usage of spring creek for fire protection purposes will not pose any negative impacts to the waterway, fish or surrounding environment. In the event that the directives under the primary alternative are not met, or cannot be mitigated, or the primary system fails to meet the approval of the Jefferson City Rural Fire District, the developer will be required to provide an on-site 30,000 gallon firefighting water supply, a hydrant capable of delivering a minimum of 500 gallons per minute and 20 pounds per square inch, and a supply well to fill and keep the storage tank full.

Commissioner Weber asked for details regarding the developer taking exception to the fire protection portion. Mike stated that the developer did not want to be tied in to the requirements outlined by the Planning Board, and feels that he has mitigated the fire concerns with the alternatives he has come up with.

Commissioner Weber asked about the turning radius on Wild Rose Road. Mike stated that he has forwarded a request for variance to the Road Department. Commissioner Weber asked Joe Carter the road supervisor about this stating that it looks like a tight turn. Joe stated that he

looked at this yesterday, and this is one of his concerns. He feels it needs to be straightened out, but can't tell without an engineered drawing. Commissioner Weber stated that it looks like the loop on Wild Rose Road where it comes into the subdivision also exceeds the radius requirements. Joe stated that he would like to see the engineered road design on this also. Commissioner Weber asked if the engineered road design has been submitted yet. The developer had the engineered design in hand and presented it to the Commission. Commissioner Lythgoe stated that he had a copy of an e-mail from Bruce Suenram to the developer regarding the alternate fire plan. The e-mail stated that the Jefferson City Fire Department will accept the developer's proposal, given that it is a comparable water supply. It also stipulated that it must be permitted by the appropriate agencies, it must be engineered by Montana licensed PE, it must deliver 500 gallons per minute at 20 psi to the hydrant or pumper connection, the turnaround must be approved by the Jefferson County Road Department, the engineer must certify that there is enough in-stream flow to provide 500 gallons per minute at all times of the year, and it must be engineered so as to function at all times of the year and all temperatures.

Dennis Lay, the developer, presented the engineered plan and noted that it does not show the approaches to Corbin and Wickes roads. He stated that as far as the question regarding the turning radius, all roads within the subdivision are within the required range.

Commissioner Lythgoe stated that the Commission also received a letter from Dennis, which he read (on file in the Clerk and Recorder's office). Dennis stated that he would like to thank the planners and the Jefferson City Fire Department for meeting with him and working on the alternatives for the fire plan. His first choice would be a filling station at Spring Creek and he appreciates Bruce Suenram and Zion Madison for meeting with him yesterday. They looked at the proposal and the site and feels that this will work. If it won't work, he will go with the alternative for a water storage tank. However, he feels that the fill station is a better alternative which will provide an unlimited flow of water and is also closer to the Jefferson City Fire Department, rather than having to go to Montana City to fill the water trucks. There has been a lot of discussion of fire issues and his not signing the agreement at the planning board meeting, and he wanted the opportunity to present his case. He feels the subdivision will benefit the area; it will provide quality home sites, parkland with a walking/jogging trail, as well as a walking/jogging/equestrian trail along the railroad bed, which will be close to motorized vehicles. It is his intent to have natural gas in the subdivision. The roads will have a double chip seal. Fire protection will increase as well as property values and tax revenue. Access will be maintained. Dennis stated that there is a landowner in the northwest corner of the property that has part of his property fenced off. He stated that he will survey, mark off, and provide access for this landowner. He will also build and gravel a road to landowner's existing driveway.

Commissioner Notbohm asked, regarding the dry hydrant that is proposed, what permits are required and who will have to deal with this. Dennis stated that he has talked to the Conservation District and they are sending him a 310 permit. Commissioner Notbohm noted that dry hydrants don't always work. Bruce stated that this will be a pump return. They are aware that dry hydrants in northern Jefferson County do not work.

Joe stated that, as Solid Waste Supervisor, he is concerned with the amount of solid waste this

subdivision will generate. It may necessitate a new site.

Bruce stated that he is glad to answer any questions. He feels that the developer's proposal answers any questions that the Jefferson City Fire Department had. Commissioner Notbohm stated that he knows how Bruce feels about tank systems, and he is surprised that he went for this. Bruce stated that it is a little further from the project than he would prefer, but it is a good location and there is an excellent water supply. The developer had a good point about the water supply versus a tank, but this has to be engineered. Commissioner Notbohm noted that the area is going to continue to grow, and the first system has to be the best. Bruce stated that the system will definitely have to be engineered. Commissioner Lythgoe stated that the Commission will leave this to the professionals.

Mike stated that the Planning Department had received three letters regarding this development, which he presented to the Commission (on file in the Clerk and Recorder's office).

Dave Hanks stated that his concern is with water. He has been there since 1990; he knows what his well does and what it has been doing. The existing homes in the area need all the water available from the alluvial water supply. He can't see how the proposed 47 new wells will have a sufficient supply. His well is 180 feet. He also noted that the mine is not running now, so the static water level is good. 47 wells pulling water out of the fractures will have an effect, and all of the wells will have an effect on each other. He has talked to the DNRC about what happens if an existing well goes dry. If a well goes dry and the owner has to drill to hit a new water supply, they will be on the books after the 47 new homes. Dave also noted that they have decomposed granite up there, and you can't put enough water on the ground to keep grass green.

Commissioner Lythgoe stated that it will take forever if everyone talks about the same issue; the Commission understands everyone's concern with the availability of water. He asked if there are any other concerns.

Joe Peterson stated that the road is approximately 400 feet from his house on Corbin Road. He asked how they will go across contaminated soil and across the creek. He noted that the creek routinely floods, if they are planning for just a culvert and dirt fill.

Neil Self stated that one problem he has is with the contamination. DEQ has cleaned up his property. He noted that his water comes from Spring Creek, and he has had water rights for some time.

Debby Sattler stated that she just wanted to offer a thought, and that is looking at putting a requirement in the covenants that people have no more than one-quarter acre of irrigated land. She stated that her first well was 200 - 220 feet, and they had to re-drill. She also noted that they need to consider the nitrates from individual septic systems. Debbie stated that she is also concerned with the traffic from the increased density.

Alan Fauhl stated that he and his wife have been pleased with their dealings with Dennis. Dennis will give them a portion of land and also build a road to their existing driveway.

Sean Higley stated that regarding water availability, they dug four wells as part of the DEQ application, three domestic and one monitoring well. The three wells had rates of 60, 13, and 20 gallons per minute and all were pumped for 24 hours with good draw downs. As for water availability, they will leave this to DEQ. He noted that peak domestic use is 400 gallons per day. For waste water, they recommend a level-2 treatment, which consists of a treatment system that comes directly after the septic tank. This will go a long way to minimize nitrates. Commissioner Notbohm asked how his system is taken care of. Sean stated that it requires the yearly maintenance by a contractor. Commissioner Notbohm asked if this is monitored. Sean answered that it is. Commissioner Notbohm asked about contaminants. Sean stated that if it is in the soil they would assume that is in the stream bed. If there is a flood, they're going to be carried downstream. Commissioner Notbohm asked where they pick for sites for samples to test for contaminated soils. Sean stated that typically, they ask for a recommendation from the Bureau of Mines. Commissioner Lythgoe asked if any testing has been done at this point. Dennis stated that they have not done anything yet, they are dealing with homestead land. He does understand that there are contaminants along the creek from the Alta and Bertha mines.

Commissioner Weber questioned the Planning Board recommendation that hydrology reports be sent to a third-party. He asked what this is based on and why it is being required. Mike stated that this is not a staff recommendation. He thinks it is just that Mr. Proctor wanted a copy of the hydrology reports although he doesn't see the point in it, as the DEQ is the jurisdictional authority. Commissioner Weber asked if the report is available to the public. Mike stated that he believes it is. Commissioner Lythgoe noted that he talked to Mr. Proctor prior to the meeting, and told him that he is not in favor of that request. This has not been required of any other subdivision. He agrees that Mr. Lay should not be required to forward a report to Mr. Proctor or Mr. Proctor's hydrologist.

Commissioner Notbohm stated that Joe had a valid point that we need to address, and that is the need for a new solid waste station. He feels that some of this expense should be put on the developer, rather than having all the taxpayers in the county pay for the upgrade. Commissioner Lythgoe stated that this is a Solid Waste Board decision, noting that they have been looking at other sites in the area.

Commissioner Weber moved to grant preliminary plat approval, and to strike the sentence that requires a hydrology report be sent to Mr. Proctor. Commissioner Lythgoe seconded. Commissioner Notbohm stated that existing residents concerns with water are valid. Commissioner Weber stated that the county is working towards water availability studies, but this will be costly and take some time. Commissioner Lythgoe stated that in the meantime, they have to depend on DEQ. They are the experts in this field and per state statute, it is up to them to review the subdivision. He noted that this is just a preliminary plat, and the DEQ still has a huge responsibility to determine if water concerns are valid. He doesn't know that there are experts in those offices. Commissioner Notbohm stated that it is his personal opinion that a subdivision of this size should have central water and sewer although they cannot require this at this time.

Linda Fauhl asked when this is going to be submitted to the DEQ, noting that the public can only comment while DEQ is reviewing the subdivision. Commissioner Lythgoe stated that the DEQ  
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has sixty days to review a subdivision, which will afford plenty of time for them to write letters to express their concerns. Commissioner Notbohm stated that while they would like to think that the DEQ was qualified, he has personally had a bad experience, and said that letter writing does make a difference.

The motion carried.

#### **FINAL PLAT APPROVAL - EMERALD ACRES MINOR SUBDIVISION**

Mike Hoffman, County Planner, presented his staff report and recommended that final plat approval be granted.

Commissioner Lythgoe moved to grant final plat approval to the Emerald Acres minor subdivision. Commissioner Weber seconded. The motion carried.

#### **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

##### **DISCUSS AND DECIDE ON DISTRIBUTION OF SCHOOL PORTION OF METAL MINES TRUST FUNDS**

Commissioner Lythgoe stated that the Commission had received a request on December 8, which they discussed at the previous meeting, regarding how the schools would like to see the money distributed. He stated that he took the new figures, going back to March 31, 2006, and adjusted the schools' request. The amount to go to the schools as of March 31, 2006 is \$857,217.

Boulder Elementary, Clancy Elementary, and Jefferson High School had originally requested \$440,000 each and \$100,000 was requested for Basin Elementary School. Adjusting for use of the March figure, and keeping the original percentages, which are 31%, 31%, 31% and 7%, this would give Basin, Clancy and the High School \$428,609 and Basin \$96,783, with a County contribution of \$525,392, for a total of \$1,382,610.

Commissioner Lythgoe stated that he also came up with a couple other scenarios using the same percentages. The first scenario is for a total of \$1.2 million. Clancy, Boulder, and the High School would each receive \$372,000, and Basin Elementary would receive \$84,000; the County's contribution would be \$342,782.

The second scenario is for a total of \$1 million. Clancy, Boulder, and the High School would each receive \$310,000, and Basin Elementary would receive \$70,000; the County's contribution would be \$142,783.

The third scenario would use only the school funds, \$857,217. Clancy, Boulder, and the High School would each receive \$265,737, and Basin Elementary would receive \$60,006.

Commissioner Weber stated that he had a couple of comments. First of all, the distribution should be 50% to the high school and the remaining 50% divided among the elementary schools. Commissioner Lythgoe stated that he thought that too at first, but this is not correct.

Commissioner Weber stated that they have used the mine closure date as the date from which to calculate the monies, but the date the mine reached 50% staffing was much earlier.

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Commissioner Lythgoe agreed this is true, but would not present a significant change in the amount. Commissioner Notbohm stated that the closing date is the one that they need to follow. Commissioner Weber stated that, per statute, when the 50% trigger happens the school funds must be released; they can then begin accruing again. Commissioner Lythgoe stated that the dollar amounts that he has given today could change a little, but not a whole lot; this is what he feels is appropriate.

Commissioner Notbohm stated that he made a recommendation at the last meeting, and he would like to extend the recommendation to the annual monies too. He moved that the Commission allocate 30% to the High School, 30% to Clancy, 25% to Boulder and 15% to Basin of the monies earmarked to go to the schools. The motion died for lack of a second.

Commissioner Weber stated that the request made by the group of school board members lacked a bit of what he wanted to see. The after-school program asked for funding, and he did not see this addressed. He would like to see this wrapped up in one request; he would like it clarified how everything fits together. Commissioner Lythgoe asked if the Boulder Elementary request included the after-school program. Bob stated that the after-school program is part of the curriculum. Sabrina stated that Mary Ellen's letter was a response to the board's attempt to outline the school's need for money. The intent is to put the money in a trust fund. Bob stated that her letter was in support of the original request.

Commissioner Notbohm stated that it seems the Commission has some discretion on how to allocate the funds, but it is up to the schools to determine how to spend the money.

Commissioner Lythgoe asked the other Commissioners their feelings on putting forth county money and in what amount. Commissioner Notbohm stated that he has already stated his feelings; the County needs every dime we can get.

Commissioner Weber stated that he shares Commissioner Notbohm's worry of what the future holds, but he also shares the schools' contention that schools are a vital and integral part of the community. He feels that they can tie economic development and offsetting property tax impacts into the schools. Commissioner Lythgoe stated that he is having a problem with contributing a \$525,000 from the county's share of the money. Commissioner Notbohm stated that the fact of the matter is, when the county goes out for a mill levy we have been very unsuccessful. However when the schools go for a mill levy, more often than not they are successful. Also, if you look at your tax bill, the proportion that goes to the schools is huge.

Commissioner Lythgoe stated that he does recall that if the schools are to receive less than what was originally proposed, they would like to take the matter back to the committee. Barbara Burkland, Clancy Elementary, stated that if the amount is less than \$1.2 million it needs to go back to committee.

Commissioner Weber stated that he appreciates that the 21<sup>st</sup>-century program is in support of Boulder Elementary's request, but he is concerned that they may not be funded and continue in the future. He understands, however, that he cannot tell Boulder Elementary how to spend the money. Sabrina stated that the school board feels that this program has had the single most



positive impact on the school. They are pretty committed to keeping the program and are exploring avenues to get it re-funded. Commissioner Weber stated that he is glad to hear of this support, knowing what he knows of the program.

Commissioner Lythgoe moved to allocate an additional \$142,783 from the County's funds to bring the school allocation for distribution to \$1 million, and that this go back to the committee to determine the percentages. Commissioner Weber seconded. The motion carried, with Commissioners Lythgoe and Weber voting aye and Commissioner Notbohm voting nay.

**DISCUSS AND DECIDE ON ADDITION OF BOULDER ELEMENTARY TO METAL MINES LICENSE TAX DISTRIBUTION**

Commissioner Notbohm moved to include Boulder and Basin Elementary Schools to the metal mines license tax distribution. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe asked the committee members in attendance to please contact Bonnie for details. The committee will meet and come back with a recommendation for percentages for these monies also.

**DISCUSS AND DECIDE ON TSEP TECHNICAL ASSISTANCE GRANT AND APPROVAL OF MATCHING FUNDS**

Commissioner Lythgoe moved to approve the application for TSEP Technical Assistance grant and to use bridge money in the amount of \$15,000 for matching funds. Commissioner Notbohm seconded. The motion carried.

**RESOLUTION 36-2006 PROVIDING FOR A GRANT MATCH FOR TSEP TECHNICAL ASSISTANCE GRANT**

Commissioner Lythgoe read the resolution as follows:

**RESOLUTION 36-2006**

**PROVIDING FOR TSEP GRANT MATCH FUNDS**

**WHEREAS**, the Jefferson County Commission wishes to conduct a comprehensive analysis of its Bridges in an effort to update to 2006 Jefferson County Bridge Inventory and Evaluation in a manner that satisfies funding agency requirements; and

**WHEREAS**, this study is estimated to cost up to \$30,000; and

**WHEREAS**, the Jefferson County Commission wishes to make an application for \$15,000 to TSEP toward the update of the Bridge Inventory and Evaluation; and

**WHEREAS**, the Jefferson County Commission is required to match the TSEP Preliminary Engineering Grant in the amount of \$15,000.

**IT IS HEREBY RESOLVED BY THE JEFFERSON COUNTY COMMISSION,**

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that the matching sum of \$15,000 shall be funded from the Bridge fund.

**DATED** this 19<sup>th</sup> day of December, 2006.

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**

Commissioner Lythgoe moved to adopt the resolution. Commissioner Weber seconded. The motion carried. Commissioner Notbohm noted that they can also do in-kind work as part of the grant match.

**DISCUSS AND DECIDE ON GREELY SETTLEMENT AGREEMENT**

Matt Johnson, County Attorney, stated that he has done quite a bit of legal work, well over 200 hours on this case, regarding this former employee. They are still on the first step of deciding if this employee was in the union; there is still the potential that this could stretch out for two more years. The settlement agreement in the amount of \$10,000 was presented. This will be a settlement of the claim with no admission of wrongdoing on either side. Commissioner Lythgoe asked if some determination has been made. Matt stated that from the filing date forward the Health Nurse Supervisor is no longer in the union. They have not been able to go backwards from there however. He has consulted with MACo, and they feel that the settlement is probably a good offer versus the cost to continue. MACo will contribute \$5,000, the Health Board will cover the rest and the issue will be resolved. Matt stated that it is his recommendation to settle.

Commissioner Lythgoe asked if Ms. Greeley's attorney had requested more at one point. Matt stated that the original request was for \$50,000. Commissioner Notbohm ask for clarification that the health board would pay for this. Matt stated that this is correct, as it was their employee and they have the funds in the budget. If the Commission is so inclined to approve this, he will need a check drafted within seven days.

Commissioner Weber moved to agree to the settlement agreement with the \$5,000 County portion to come from the Health Department. Commissioner Notbohm seconded. The motion carried.

**DISCUSS REQUEST OF THE NORTH JEFFERSON COUNTY ZONING COMMISSION TO**

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ADOPT A RESOLUTION TO GRANT A TEMPORARY MORATORIUM ON  
ANNEXATION OF TERRITORY WITHIN THE ZONING COMMISSION DISTRICT BY  
THE CITY OF HELENA

Commissioner Lythgoe stated that a special Zoning Commission meeting was held Thursday to discuss a moratorium. The Zoning Commission has recommended that this be done. The issue before the court now is that the Zoning Commission contends that zoning is in place. The Commission is trying to protect our zoning that is already in place. This is an attempt of the Zoning Commission to assert authority over the zoning.

1<sup>ST</sup> READING - RESOLUTION 35-2006 TO GRANT A TEMPORARY MORATORIUM ON  
ANNEXATION OF TERRITORY WITHIN THE NORTHERN JEFFERSON COUNTY  
ZONING COMMISSION DISTRICT BY THE CITY OF HELENA

Commissioner Weber read the resolution as follows:

**RESOLUTION 35-2006**

**NORTH JEFFERSON COUNTY ZONING DISTRICTS MORATORIUM ON  
MUNICIPAL ANNEXATION**

**WHEREAS**, the Legislature enacted Title 76, Part 1, Chapter 1, which provides for citizen initiated planning and zoning commissions with powers as may be appropriate to enable it to fulfill its functions and duties to promote county planning and further the health, safety and welfare of the people of said counties including Jefferson County; and

**WHEREAS**, the North Jefferson County Zoning Commission has a current set of zoning regulations in place in north Jefferson County that further protect the health, safety and welfare of north Jefferson County residents; and

**WHEREAS**, the City of Helena has attempted to create a City Planning Board that would interfere with North Jefferson County Zoning Regulations, the Jefferson County Growth Policy, as well as Jefferson County Planning Regulations; and

**WHEREAS**, City of Helena zoning coinciding with annexation has the potential to create higher densities in north Jefferson County than what has been planned, zoned, and adopted by the Jefferson County regulatory bodies having jurisdiction in north Jefferson County; and

**WHEREAS**, the Jefferson County Board of Commissioners is currently working on a sewer district on the north end of the County that would address concerns that the City of Helena has expressed in regards to water quality without requiring annexation in north Jefferson County by the City of Helena; and

**WHEREAS**, pursuant to § 76-2-107, MCA, the North Jefferson County Zoning Districts  
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requests that the Jefferson County governing body issue a moratorium upon any municipal annexation into the North Jefferson County Zoning Districts for a period of one (1) year for the preservation of the integrity of the current zoning districts, growth policy, and subdivision regulations;

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to §76-2-107, MCA, the Jefferson County Commissioners hereby adopt an emergency moratorium upon any municipal annexation into the North Jefferson County Zoning Districts for a period of one (1) year for the preservation of the integrity of the current zoning districts, growth policy and subdivision regulations.

Commissioner Lythgoe noted that this resolution will be agendized for adoption at the next Commission meeting.

**DISCUSS AND DECIDE ON MOVING DECEMBER 26<sup>TH</sup> COMMISSION MEETING TO DECEMBER 27<sup>TH</sup>**

Commissioner Lythgoe moved to change the December 26<sup>th</sup> meeting to December 27<sup>th</sup> at 2:00 p.m. Commissioner Notbohm seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY**  
**CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**CHUCK NOTBOHM, COMMISSIONER**

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**KEN WEBER, COMMISSIONER**